

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

BEVERLY F. WOODWARD,

Plaintiff,

v.

Case No. 2:20-cv-417-FtM-66NPM

COMMISSIONER OF SOCIAL  
SECURITY

Defendant.

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**ORDER**

Before the Court is Defendant's Opposed Motion for Stay of Proceedings (Doc. 8). Plaintiff filed a response to the motion. (Doc. 9). In this Social Security case, Defendant requests the Court stay the proceedings for ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (Doc. 8, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a maximum telework environment, but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.* at pp. 1-2). While Plaintiff does not oppose the stay in general, she requests that the stay be shortened to thirty days. (Doc. 9, p. 1).

A court has broad discretion whether to stay a proceeding "as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified

transcript and answer. But the Court finds that a ninety day extension would cause undue delay. Notably, the Agency concedes it can “expedite production for high-priority cases.” (Doc. 8-1, ¶ 8). Given that this is the second time this particular claim has been brought before this Court, it should be given a higher priority by the Agency. (Doc. 9, ¶ 2). The Court will extend the deadline to file the certified transcript and answer by forty-five days.

Accordingly, it is **ORDERED**:

The Opposed Motion for Stay of Proceedings (Doc. 8) is **GRANTED in part and DENIED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **October 1, 2020**.

**DONE** and **ORDERED** in Fort Myers, Florida on August 13, 2020.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE